

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY- TRENTON**

CHARLES NOVINS, ESQ. P.C. and	:	Civil Action No. 09-CV-5354-AET-DEA
CHARLES NOVINS, Personally,	:	
	:	
	:	
Plaintiffs,	:	COUNTERCLAIMANTS
	:	LAMB’S AND OSTERWALD’S
v.	:	<u>MOTION IN LIMINE NO. 2</u>
	:	
	:	
Kevin A. Cannon, et al.,	:	
	:	
	:	(Filed Electronically)
Defendants.	:	
	:	
	:	

Counterclaimants Lamb and the Osterwalds have on numerous occasions informed their adversaries that the Plaintiffs have erroneously identified the corporate plaintiff as “Charles Novins, Esq. P.C.” in their complaint (PACER Docket Item **1-5**). Dr. Lamb’s Answer specifically identified the problem (PACER Docket No. **1-13**) and this matter was again brought to the Plaintiffs’ attention in July of 2009.(PACER Docket Item No. **1-21**)

Furthermore, after this action was removed to Federal Court in October 2009, the Plaintiffs failed to comply with *Fed R. Civ. P. 7.1*, which, *inter alia*, requires corporate litigants to provide information relating to any corporate entities that would be affected by the action. This deficiency was explained to the Plaintiffs in a January 20, 2010 letter to the Plaintiffs from Dr. Lamb’s counsel (PACER Docket No. **36-18**). Another request to comply with that Court rule was made during a June 17, 2010 Status Conference before the Honorable Douglas Arpert. Finally, on June 25, 2010, the Plaintiffs filed a document which they purported to be a disclosure statement in compliance with *Fed R. Civ. P. 7.1*. (PACER Docket No. **31**) That document erroneously identifies the corporate Plaintiff at bar as “Charles Novins, Esq., P.C.”

The undersigned counsel's January 28, 2011 Declaration in support of Dr. Lamb's Motion for Summary Judgment (PACER Docket No. **63**), attached (as Exhibit A) a copy of the Plaintiff's June 29, 2007 New Jersey Certification of Incorporation which identified the relevant entity as "Law Offices of Charles Novins PC.". (PACER Docket No. **63-1**)

On page 6 of the June 27, 2011 Joint Pretrial Order the Plaintiffs were again made aware of their failure to comply with *Fed R. Civ. P. 7.1*. (PACER Docket No. **90**)

CONCLUSION

For the reasons set for above, Counterclaimants Lamb and the Osterwalds respectfully request that the Court rule that all relevant references in pleadings, orders and other corporate filings to the corporate plaintiff in this action be deemed corrected to refer to the actual corporate name of the corporate Plaintiff at bar (i.e., "Law Offices of Charles Novins PC."). In addition, Counterclaimants Lamb and the Osterwalds respectfully request that this Court sanction the Plaintiffs for their refusal to correct their pleadings and to comply with the Court Rules.

Respectfully submitted,

Law Office of Dennis J. Duncan, LLC
Attorney for Defendant and Counterclaimant,
Richard "Vince" Lamb

By: /s/ Dennis J. Duncan
Dennis J. Duncan

Dated: November 11, 2011

*Filed with the Consent of Counsel for Carl R. and Yvonne Osterwald